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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on *Jun 28, 1999* _____ .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ____*3*____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-30* _____ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-30* _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-7,12 are rejected under 35 U.S.C. § 102 [a,e] as being unpatentable over Van

Loom et al [5,790,802]

As per claim 1, Van Loom et al disclose *a method of transmitting a data segment (or*

message) in a stream using a write module of the type (or infomation element of first type) [col 2

line 15] *which implements a selected one of a plurality of versions of a streaming protocol* [col 1

line 50, col 2 line 64, col 8 line 23, 28] *wherein each subsequent version of the streaming*

protocol is additive to a previous version or first version [col 1 lines 50-66]; (a) *outputting a first*

stream of data according to a first version (or lower version) of the streaming protocol [col 2

line 10]; and (b) *sequentially appending additional streams of data (or subsequent version)*[col 4

line 39] *to the first stream of data according to each subsequent version of the streaming*

protocol up to and including the selected version (or specific version)[col 2 lines 15-27, col 8

lines 19-32, col 13 lines 22-28], *if the selected version of the streaming protocol is not the first*

version of the streaming protocol [col 6 lines 61-col 7 lines 6]. By this rationale claim 1 is

rejected.

As per claim 2, Van Loom-Cullen disclose *the step of receiving the data segment from a data stream using a read module of the type which implements a second selected one of the plurality of versions of the streaming protocol* such as operation device [col 6 line 7]; *the receiving step including the steps of: receiving the first stream of data; if the second selected version is earlier than the first selected version, receiving each additional stream data according to each subsequent version of the streaming protocol up to and including the second selected -version, and disregarding any remaining data in the data segment; if the second selected version is equal to or later than the first selected version, sequentially receiving the additional streams of data according to each subsequent version of the streaming protocol up to and including the second selected version*; Van Loom implicitly taught the *testing or analysis prior to receiving each additional stream of data, whether an end of the data segment has been detected, and if so, terminating reception of the data segment prior to receiving the additional stream of data (or subsequent version) according to the second selected version.* [col 6 lines 7-60] By this rationale claim 2 is rejected.

As per claim 3, Van Loom et al disclose *the data segment is an object* or message or information elements [col 6 lines 14, 32]. By this rationale claim 3 is rejected.

As per claim 4, Van Loom et al disclose *the data segment includes all of the data necessary to reconstruct the object; wherein the data stream is serial* as inherent feature of data communication on computer system . By this rationale claim 4 is rejected.

As per claim 5, Van Loom et al implicitly taught *the testing or analysis step of initializing object data that is not received from the data stream to a default value* [Van Loom col 6 line 16].By this rationale claim 5 is rejected

As per claim 6, Van Loom et al disclose *the transmitting an object type (or version type) for the data segment; and receiving the object type, including the steps of allocating and initializing an object when receiving the data segment based upon the object type* as inherent feature of computer processor [Van Loom col 7 line 13]. By this rationale claim 6 is rejected.

As per claims 7■, Van Loom et al taught the write or read modules reside on same or different computer as design by choice . By this rational claims 7■ are rejected.

As per claim 12, Van Loom disclose *the data is a non-random access data stream* by saying data is stored on the memory [Van Loom col 9 line 28]. By this rationale claim 12 is rejected

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Van Loom et al [5,790,802] in view of Cullen et al [5,893,908]

As per claims 8-11, Van Loom disclose *the data segment is stored in a current context for the data stream* [Van Loom col 2 line 39]. However Van Loom did not teach the tags such as

alias tag, additional tags, begin tag and end tag. In order to implement the system , an ordinary

skilled in art would look into the client/server environment which has the module identified the

version or message such as Cullen et al , in his application on Document management System,

taught a hypertext interface system for navigating through a sequence or tree of document

versions [col 2 line 30-35] inwhich the HTML page using alias tag, addtional tag, begin tag and

end tag as inherant features to identified the transaction data through network such as vesion of

protocols [Cullen col 4 line 43].These advantage would fit to the Van Loom system to speed up

the process identify and update version of protocol on client/server. By this rationale claims 8-11

are rejected

As per claims 13-30 contain the similar limitation of claims 1-12 . By this rationale claims

13-30 are rejected.

Conclusion

3.   All claims are rejected.

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- **Leblang et al**. Dynamic Rule-Based Version Control System [USP 5,649,200]

- **Park** Automatic Software Updating Method [USP 5,909,581]

- **Lorie et al**. Multi Version database Concurrency Control System [USP 5,280,612]

- **Deem** Alias Tagging Time Domain to Frequency Domain Signal Converter [USP 4893,266]

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Frank Asta*, can be reached on *(703) 305-3817 or via e-mail addressed to [Frank.Asta@uspto.gov]*. The fax number for this Group is (703) 308-6606.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thong.vu@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thong Vu
Aug 24, 1999

FRANK J. ASTA
SUPERVISORY PATENT EXAMINER
GROUP 2700